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**MAY 06 2004**

In re Application of  
Ramsay Wood  
Application No. 09/913,511  
Filed: August 15, 2001  
Attorney Docket No. None

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**OFFICE OF PETITIONS**  
  
**ON PETITION**

This is a decision on the petition, filed April 27, 2004, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

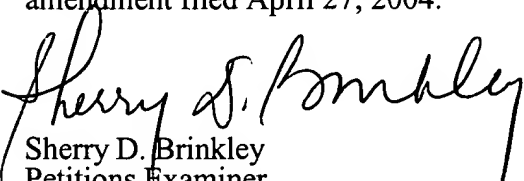
The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed July 30, 2003, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on February 6, 2004. On April 27, 2004, an amendment and the present petition were filed.

The petition is **GRANTED**.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for revival. In view thereof, the \$475 extension of time fee submitted with the petition is unnecessary and will be refunded to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9220. All other inquiries regarding this application should be directed to the Technology Center.

The application file is being forwarded to Technology Center AU 3714 for consideration of the amendment filed April 27, 2004.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy